

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

PRECISION CPAP, INC.;)	
MEDICAL PLACE, INC.;)	
PHASE III VANS, INC. d/b/a)	
EAST MEDICAL EQUIPMENT)	
AND SUPPLY; and MED-EX,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.:
)	2:05-cv-1096
JACKSON HOSPITAL;)	
MED-SOUTH, INC.; JMS)	
HEALTH SERVICES, L.L.C. d/b/a)	
JACKSON MED-SOUTH HOME)	
HEALTH, L.L.C.; BAPTIST)	
HEALTH, INC.; AMERICAN)	
HOME PATIENT, INC.;)	
BAPTIST VENTURES-)	
AMERICAN HOME PATIENT,)	
)	
Defendants.)	

UNOPPOSED MOTION TO EXTEND DEADLINES

Plaintiffs in the above referenced-case hereby move, without opposition from Defendants, and after conferring with defense counsel, to extend the deadlines for discovery, retained expert reports, expert depositions, and for motions and briefing related to the preliminary issues regarding product market in this anti-trust case by sixty days. As grounds for this Motion, Plaintiffs, after conferring with defense

counsel, state the following.

1. The parties have been conducting written discovery in this case. That written discovery has taken some time due to the nature of the requests and the documents that needed to be culled through by Defendants. Defendants were given extra time to respond to written discovery, and Plaintiff s must now inspect voluminous documents. There are some issues concerning discovery, and it is hoped that an extension of time will allow the parties to work through discovery disagreements without court intervention.

2. Currently pending is Defendants' Motion to Dismiss. The ruling on this Motion will greatly influence the scope of the discovery. Extending the deadlines for sixty days will allow the parties to narrow the scope of what discovery is necessary in the case saving all parties time and expense.

3. No party will be prejudiced by the granting of this Motion, and this Motion will not extend the trial date in this case.

WHEREFORE, because Plaintiffs make this Motion without objection from Defendants, and with consent of Defendants, and because an extension will allow for the thorough and orderly progression of discovery in this case, and will not extend the trial date, Plaintiffs hereby request that the deadlines for the disclosure of Plaintiffs' expert information currently set for August 1, 2006, for non-expert discovery on the

preliminary issues currently set for September 1, 2006, the deadline for Plaintiffs' expert deposition currently set for September 15, 2006, the deadline for Defendants' expert report currently set for October 1, 2006, the deadline for defense experts to be deposed currently set for November 15, 2006, and the deadlines for motions and briefing on the preliminary issues, currently beginning on December 15, 2006 be extended for sixty (60) days .

Respectfully Submitted,

s/Brian M. Clark
Brian M. Clark (ASB-5319-R78B)
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing via CMF Electronic Filing System and/or by U. S. Mail, properly addressed and postage prepaid upon the following:

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Done this 3rd day of July, 2006.

s/Brian M. Clark

Of Counsel